

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF VENTURA
VENTURA**

MINUTE ORDER

DATE: 06/28/2016

TIME: 08:20:00 AM

DEPT: 43

JUDICIAL OFFICER PRESIDING: Kevin DeNoce

CLERK: Tiffany Froedge

REPORTER/ERM: None

CASE NO: **56-2014-00460814-CU-PA-VTA**

CASE TITLE: **Perez Rulfo vs. Blois**

CASE CATEGORY: Civil - Unlimited

CASE TYPE: PI/PD/WD - Auto

EVENT TYPE: Motion to Compel Further Responses to Supplemental Interrogatories and Request for Production

MOVING PARTY: Barbara Blois

CAUSAL DOCUMENT/DATE FILED: Motion to Compel Plaintiffs Further Responses etc, 06/01/2016

EVENT TYPE: Motion to Compel

MOVING PARTY: Barbara Blois

CAUSAL DOCUMENT/DATE FILED: Motion to Compel Multiple Defense Medical Examinations of Plaintiff Request for Trial Continuance Memo of Points and authorities Declaration, 05/12/2016

APPEARANCES

Thomas G Adams, counsel, present for Plaintiff(s).

THOMAS M PHILLIPS, counsel, present for Defendant(s) telephonically.

At 09:10 a.m., court convenes in this matter with all parties present as previously indicated.

Counsel have received and read the court's written tentative ruling.

Matter submitted to the Court with argument.

The Court finds/orders:

Matter taken under submission.

After further consideration of submitted matter, the Court rules as follows:

The court's ruling is as follows as to Motion to Compel Defense Medical Exams and Continue Trial:

Grant Ds motion to compel defense medical exams of P and to continue trial contingent on Ds

submitting proper order per CCP 2032.320. (*Carpenter v. Superior Court* (2013)141 Cal. App. 4th 249.)
Trial is continued to 10/24/16 at 1:30 p.m. in Courtroom 43.

The court's ruling is as follows:

Grant Ds motion to compel further responses to supplemental interrogatories (Rogs) and supplemental documents.

Ds request: Later acquired document. (CCP 2031.050.)

Ps response: No non-privileged documents.

Ds response for further response: Not verified. No statement of diligent search and unable to comply etc. (CCP 2031.230.)

COURT: Grant. P did not comply with CCP 2031.230.

Form Rogs

(1). Rog 6.3

Ds request: Any complaints attributed to incident. If so, describe, subsiding, same or worse and frequency and duration.

Ps response: Migraines, scintillating scotoma, nausea, field of vision defects - come and go. Continued symptoms based upon traumatic brain injury.

Ds reason for further response: Does not comply with CCP 2030.220(a). What is "come and go?"

COURT: Grant.

(2). Rog 6.4

Ds request: Any consultation/examination (except expert witness) or treatment from health care provider for injury from incident? If so, name, address, phone, type of consultation/exam/treatment, dated and charges.

Ps response: Please see EOBs attached. (CCP 2030.230.)

Ds reason for further response: Does not comply with CCP 2030.220(a). Nothing as to subparts (b), (c) and (d).

COURT: Grant. [See CCP 2030.220 above]

(3). Rog 6.6

Ds request: Any other medical services not previously listed? If so, nature, date, cost, name/address/phone number of each provider.

Ps response: Please see previous records and additional EOBs attached. (CCP 2030.230.)

Ds reason for further response: Does not comply with CCP 2030.230s three factors.

COURT: Grant.

(4). Rog 6.7

Ds request: Has any health care provider advised you of future or additional treatment? If so, name, address, complaints for which treatment advised, nature/duration and estimated cost of treatment.

Ps response: Please see documents produced including medical records. (CCP 2030.230.)

Ds reason for further response: Does not comply with CCP 2030.230s three factors.

COURT: Grant. [See CCP 2030.230 above]

Special Rogs

(1). Rog 2:

Ds request: Has any health care provider advised you of future or additional treatment? If so, name, address, complaints for which treatment advised, nature/duration and estimated cost of treatment.

Ps response: "Pursuant to Code of Civil Procedure §2030.230 See [sic] documents produced in response to discovery, including medical records subpoenaed by Defendant."

Ds reason for further response: Does not comply with CCP 2030.230s three factors.

COURT: Grant. [See CCP 2030.230 above]

(2). Rog 3:

Ds request: For each medical provider, state name and initial billing.

Ps response: "Pursuant to Code of Civil Procedure §2030.230 See [sic] documents produced in response to discovery, including medical records subpoenaed by Defendant."

Ds reason for further response: Does not comply with CCP 2030.230s three factors.

COURT: Grant. [See CCP 2030.230 above]

(3). Rog 4:

Ds request: For each medical provider, state name followed by adjusted or reduced amount provider accepted.

Ps response: "Pursuant to Code of Civil Procedure §2030.230 See [sic] documents produced in response to discovery, including medical records subpoenaed by Defendant."

Ds reason for further response: Does not comply with CCP 2030.230s three factors.

COURT: Grant. [See CCP 2030.230 above]

(4). Rog 5:

Ds request: For each medical provider, state name followed by amount owed.

Ps response: "Pursuant to Code of Civil Procedure §2030.230 See [sic] documents produced in response to discovery, including medical records subpoenaed by Defendant."

Ds reason for further response: Does not comply with CCP 2030.230s three factors.

COURT: Grant. [See CCP 2030.230 above]

(5). Rog 6:

Ds request: For each medical provider, state name followed by amount paid.

Ps response: "Pursuant to Code of Civil Procedure §2030.230 See [sic] documents produced in response to discovery, including medical records subpoenaed by Defendant."

Ds reason for further response: Does not comply with CCP 2030.230s three factors.

COURT: Grant. [See CCP 2030.230 above]

(6). Rog 7:

Ds request: For each amount identified in Rog 6, state how funds were paid.

Ps response: "Pursuant to Code of Civil Procedure §2030.230 See [sic] documents produced in response to discovery, including medical records subpoenaed by Defendant."

Ds reason for further response: Does not comply with CCP 2030.230s three factors.

COURT: Grant. . [See CCP 2030.230 above]

Notice to be given by clerk.